

Court of Appeals, State of Michigan

ORDER

Blue Lake Fine Arts Camp v Blue Lake Twp Zoning Bd of Appeals

Docket No. 257731

LC No. 03-042243-AV

Richard A. Bandstra
Presiding Judge

Janet T. Neff

Joel P. Hoekstra
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the July 7, 2004 order of the circuit court is VACATED and the matter is REMANDED. The circuit court erred when it reached the merits of the appeal without the benefit of a proper administrative record before it to review. The purported "stipulated findings of fact" entered almost nine months after the hearing before the zoning board of appeals do not constitute a proper record. On remand, the trial court shall remand the matter to the zoning board of appeals so that the board may place on the record and memorialize, either by way of minutes or transcription, its factual findings with regard to an application of § 16.3d of the Township's ordinance, the evidence it relied on in support of these findings, and its explanation for why § 3.5 of the Township's ordinance does not apply and any relevant factual findings upon which the board relied in rejecting an application of § 3.5. The circuit court shall retain jurisdiction and shall resolve the appeal once the administrative record is available. This Court does not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 21 2005

Date

Sandra Schultz Mengel
Chief Clerk